REMARKS

This application has been reviewed in light of the Office Action dated May 16, 2006. Claims 1, 3, 6-10, 12, 15-19, 21, 24-27, 30-34, 36-41, and 57-59 are presented for examination. Claims 28, 35, 42, 43, and 60 have been canceled, without prejudice or disclaimer of subject matter. Claims 1, 3, 7-10, 12, 16-19, 21, 25-27, 30-34, 36-41, and 57-59 have been amended to define more clearly what Applicants regard as their invention. Claims 1, 10, 19, and 32-34, 36-41 are in independent form. Favorable reconsideration is requested.

Claims 10 and 33-43 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

The claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised at pages 2-4 of the Office Action. It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 28, 30, 31, 35, 42, 43, and 60 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter.

It is submitted that these rejections have been rendered moot by the cancellation of Claims 28, 35, 42, 43, and 60 and the amendment of Claims 30 and 31 to recite a storage medium.

Claims 1, 3, 6, 10, 12, 15, 19, 21, 24, 28, 31-43, and 57-60 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent No. 5,889,952 ("Hunnicutt") in view of U.S. Patent No. 6,971,028 ("Mackinson"). Claims 7-9, 16-18, and 25-27 were rejected as obvious from Hunnicutt in view of Makinson and U.S. Patent No. 5,550,968 ("Miller"). Claim 30 was rejected as obvious over Hunnicutt in view of Makinson

Generally speaking, the invention is directed to access control in cases in which a request for a single operation, e.g., a file copy operation, is achieved by a series of application program interface (API) operation requests (see, e.g., page 35, line 23, through page 36, line 1). A file copy operation ordinarily may be realized by a single command, such as a "Copy" command of the Windows® operating system. Alternatively, a series of operations that open a file to be copied and save the opened file with new file name can substantially achieve the same result as the file copy operation using the "Copy" command. This series of operations includes: opening a first file, writing contents of the first file to a memory, generating a second file, loading the contents from the memory to the second file, etc.

Conventionally, access control for a single operation request by one command such as the "Copy" command is realized by setting access rights to a file being requested. However, in order to execute access control for a single operation realized by a series of API operation requests, the operation requests must be monitored to identify series of operation requests that correspond to a single operation. To realize this in the present invention, a correspondence between a process (i.e., an API) and a computer

resource relating to the process is registered to a storage medium (see, e.g., page 37, lines 15-19), and then it can be determined whether a series of operation requests between the registered process and the registered computer resource corresponds to a single operation for which access control is desired, e.g., a copy operation (see, e.g., page 41, line 5, through page 43, line 19).

Claim 1 recites, *inter alia*, an interception step of intercepting an operation request for a computer resource from a process, before the operation request is transferred to the operating system, and if the process holds the computer resource, registering a correspondence between the process and the computer resource in a storage medium. Claim 1 further recites an access right determination step that is performed when a series of operation requests intercepted in the interception step is associated with the registered process and the corresponding registered computer resource and represents outputting a first computer resource to a second computer resource.

As the Office Action acknowledges, Hunnicutt does not teach or suggest the interception of operation requests before transfer to the operating system, and the Examiner turns to Makinson with respect to this feature.

Makinson relates to a virus scan system in which a file access request is intercepted prior to being passed to an operating system, and redirected to an anti-virus system. The anti-virus system performs anti-virus scanning for the file access request. If the anti-virus scanning is passed, then the file access request is granted and access to the file is permitted.

Nothing has been found or pointed out in Makinson that teaches or suggests an interception step that includes registering a correspondence between the process and the computer resource in a storage medium if the process holds the computer resource, as recited in Claim 1. Nor does Makinson teach or suggest an access right determination step that is performed when a series of operation requests intercepted in such an interception step is associated with the registered process and the corresponding registered computer resource and represents outputting a first computer resource to a second computer resource, as further recited in Claim 1.

Thus, the combination of Hunnicutt and Makinson, assuming *arguendo* that such a combination would be proper, does not teach or suggest all of the features of Claim 1.

Second, Applicants note the rationale presented in the Office Action for the hypothesized combination of Hunicutt and Makinson, based on the following portion of Makinson:

> The invention recognises that as well as simply increasing the performance of the computer hardware for conducting such scanning for unwanted properties, advantages in overall efficiency can be gained by a more active approach to prioritising the scans to be conducted.

(Makinson at col. 1, lines 49-53).

The Examiner asserts that "it would have been obvious to a person of ordinary skill in the art to use the scanning process in Makinson et al with the system in Hunnicutt et al because the scanning of requests can increase the overall performance of the system." (Office Action at page 7). Applicants respectfully traverse this assertion,

because the cited portion of Makinson does not, in fact, say that the scanning of requests can increase the overall performance of the system. Rather, it notes two ways to achieve advantages in overall efficiency in performing the scanning: (1) by increasing the performance of the computer hardware; and (2) by prioritizing the scans to be conducted. It is therefore respectfully submitted that rationale put forth by the Examiner does not rise to the level of a "convincing line of reasoning".[1]

For both of the reasons discussed above, Claim 1 is believed to be patentable over the combination of Hunnicutt and Makinson.

Independent Claims 10, 19, and 32-34, 36-41 recite features similar to those discussed above with respect to Claim 1 and therefore are also believed to be patentable over Hunnicutt and Makinson, taken separately or in any permissible combination (if any), for the reasons discussed above.

A review of the other cited reference, New Jr., has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. All of the independent claims are therefore believed patentable over the cited art.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the

[1] "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." M.P.E.P. § 2142 (quoting *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

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